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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,003	01/21/2004	Mark Neuhalfen	2004-0017	4517

7590  
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04/24/2007

EXAMINER

NGO, LIEN M

ART UNIT

PAPER NUMBER

3754

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/24/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/762,003

Applicant(s)

NEUHALFEN, MARK

Examiner

LIEN TM NGO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-9, 12-18 and 35-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 12-18, and 35-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 35 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

"said peripheral rim", in claim 35, line 7, and claim 26, line 6, lacks antecedent basis.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 6-9, 17, 18, and 35-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Losenno et al. (5,957,333). Losenno et al. disclose, in figs. 1&2, a mounting cup for mounting an aerosol valve for dispensing an aerosol product from a collapsible container within an aerosol container, comprising: a peripheral rim 36 located in proximity to an outer periphery of said mounting cup for sealing said mounting cup to the aerosol container 20; a turret 26 located in proximity to an inner periphery of said mounting cup for receiving the aerosol valve for dispensing the aerosol product from the collapsible container; and a mounting surface 28 located intermediate said

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peripheral rim and said turret for securing the collapsible container 12 to said mounting cup; and bonding for securing the collapsible container to the mounting cup. The mounting surface comprises a cylindrical surface having an axis coincident with an axis of the mounting cup and defines a cylindrical recess within the mounting cup. Said peripheral rim having an interior region 24 integrally supported by a sidewall of the mounting cup; and the mounting surface located radially inwardly relative to the interior region of the peripheral rim of the mounting cup and radially outwardly from a turret of the mounting cup.

5. Claims 1-4, 6-9, 17, 18, and 35-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Sullian (4,375,743). Sullian discloses, in fig. 2, a mounting cup for mounting an aerosol valve for dispensing an aerosol product from a collapsible container within an aerosol container, comprising: a peripheral rim 40 located in proximity to an outer periphery of said mounting cup for sealing said mounting cup to the aerosol container 28; a turret 28 located in proximity to an inner periphery of said mounting cup for receiving the aerosol valve for dispensing the aerosol product from the collapsible container; and a mounting surface 22 located intermediate said peripheral rim and said turret for securing the collapsible container 12 to said mounting cup; and bonding for securing the collapsible container to the mounting cup. The mounting surface comprises a cylindrical surface having an axis coincident with an axis of the mounting cup and defines a cylindrical recess within the mounting cup. Said peripheral rim having an interior region 24 integrally supported by a sidewall of the mounting cup; and the mounting surface located radially inwardly relative to the interior region of the

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peripheral rim of the mounting cup and radially outwardly from a turret of the mounting cup.

6. Claims 1-4, 6-9, 17, 18, and 35-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Umstead (3,662,926). Umstead discloses, in figs. 2 & 3, a mounting cup for mounting an aerosol valve for dispensing an aerosol product from a collapsible container within an aerosol container, comprising: a peripheral rim 24 located in proximity to an outer periphery of said mounting cup for sealing said mounting cup to the aerosol container; a turret 10 located in proximity to an inner periphery of said mounting cup for receiving the aerosol valve for dispensing the aerosol product from the collapsible container; and a mounting surface 44 located intermediate said peripheral rim and said turret for securing the collapsible container 60 to said mounting cup; and bonding for securing the collapsible container to the mounting cup. The mounting surface comprises a cylindrical surface having an axis coincident with an axis of the mounting cup and defines a cylindrical recess within the mounting cup. Said peripheral rim having an interior region 23 integrally supported by a sidewall of the mounting cup; and the mounting surface located radially inwardly relative to the interior region of the peripheral rim of the mounting cup and radially outwardly from a turret of the mounting cup.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Losenno et al. or Sullian or Umstead in view of Giggard (4,185,758). Giggard teaches a mounting cup includes a first polymeric bond material 18 laminated on the mounting surface of mounting cup; a second polymeric bond material located on a collapsible container (laminated polyester, col. 2, lines 12-15); and said first polymeric bond material bonding to said second polymeric bond material by heating for securing the collapsible container to said mounting cup.

Therefore, It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a polymeric bond material laminated on the mounting surface of mounting cup and the collapsible bag of the Losenno et al. or Sullian or Umstead, as taught by Giggard, in order to enhance the bonding between the mounting cup and the collapsible bag under heating.

#### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1-4, 6-9, 12-18, and 35-37 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 571-272-4545. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

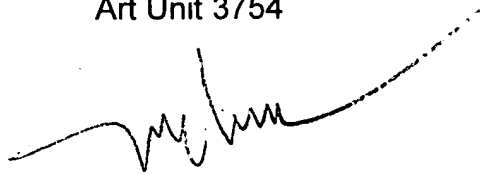
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KEVIN SHAVER can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LIEN TM NGO  
Primary Examiner  
Art Unit 3754

April 19, 2007

A handwritten signature in black ink, appearing to read 'Lien TM Ngo', is written over the printed name and title.